

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH A. KURTZ,

)

8:15CV325

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Plaintiff,

)

)

v.

)

**MEMORANDUM
AND ORDER**

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GEORGE HIMELIC,

)

)

Defendant.

)

This matter is before the court on a preliminary review of Plaintiff Joseph Kurtz's Complaint. Kurtz is a frequent filer who has a history of suing private citizens for perceived wrongs, this time for "[h]arassment by other tenants, food missing, bed bugs[,] and assault." (Filing No. [1 at CM/ECF p. 2.](#)) The judges of this court have informed Kurtz on numerous occasions that jurisdiction must be proper in order for a case to proceed in this court. *See, e.g., Kurtz v. Akins*, 8:08-cv-00083-JFB-PRSE; *Kurtz v. Maryland*, 8:13-cv-00170-LSC-PRSE; *Kurtz v. France*, 8:14-cv-00117-JMG-PRSE; *Kurtz v. Miller*, 8:14-cv-00139-LES-PRSE.

The court has an obligation to dismiss an action if it determines at any time that it lack subject-matter jurisdiction over it. *See* [Fed. R. Civ. P. 12\(h\)\(3\)](#). It will do so here because it is apparent that Kurtz has, once again, filed an action without any discernible basis for this court's jurisdiction. The court will not give Kurtz an opportunity to file an amended complaint because to do so would be futile. As explained above, the jurisdictional requirements for filing suit in this court have been explained to him many times.

IT IS THEREFORE ORDERED that: This case is dismissed without prejudice and Kurtz's Motion for Leave to Proceed in Forma Pauperis is denied. The court will enter a judgment by a separate document.

DATED this 6th day of November, 2015.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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